

Plaintiff's Name CHARLES ELLIS SR
Inmate No. 2311971
Address 17810 Industrialm RD
Bakersfield, ca 93308
Lerdo Justice facility

FILED

NOV 07 2022

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

1:22-CV-01209-SAB

(Name of Plaintiff)

(Case Number)

vs.

Kern County Sheriffs'
Department, and county
of Kern, et al

AMENDED CIVIL RIGHTS COMPLAINT UNDER:

☒ 42 U.S.C. 1983 (State Prisoner)

☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes X No

B. If your answer to A is yes, how many? 2

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff Charles Ellis

Defendants County of Kern ET al

2. Court (if Federal Court, give name of District; if State Court, give name of County)

United States district courts Eastern District of Calif

3. Docket Number 1:22-cv-00436

4. Assigned Judge ADA-SKO

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

Pending

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B. Name _____ is employed as _____

Current Address/Place of Employment _____

C. Name _____ is employed as _____

Current Address/Place of Employment _____

D. Name _____ is employed as _____

Current Address/Place of Employment _____

E. Name _____ is employed as _____

Current Address/Place of Employment _____

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

14th Amendment Due process clause, right to receive Adequate
medical care

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

Please See attached Marked

Continuation Pg #1 etc

V. Relief

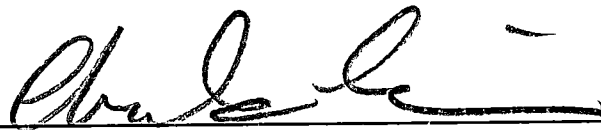
State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff Request Monetary Damages for Pain & Suffering
as well as mental anguish, caused by the on going
Pain, as well as frustration behind departmental Policy
in The amount of \$75,000⁰⁰

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10-24-22

Signature of Plaintiff:



1 Plaintiff is a Pre-trial detainee, housed in the
2 Kern county Jail, Lemo Justice facility. Plaintiff
3 has been being treated for Knee Pain, in this county
4 Jail since 3-07-21. Medical Staff here in the county
5 Jail have noted, considerable swelling to Plaintiff's
6 left knee, and on several occasions have had to
7 send Plaintiff out, to have fluid drained from his
8 left knee, in order to supply comfort. This has been
9 going on continuously, some times once a month.
10 Finally Jail Doctors, decided to try and find the cause
11 of Plaintiff's knee injury, and scheduled an appointment
12 with an orthopedic specialist, to assist in the area
13 of, and to find the cause.

14 After Plaintiff's regular scheduled
15 visit, with the orthopedic specialist was conducted
16 Plaintiff was then transported back to the
17 Kern county Jail, to await another visit with the
18 facility's doctor, in order to go over any findings,
19 and recommendations, made by the orthopedic
20 specialist.

21 Plaintiff was called in to the facility's
22 medical area and was seen by the facility doctor
23 and was told that the orthopedic doctor did not
24 visibly, see any reason for the fluid and swelling
25 and that, the X-Ray showed no further help.
26 I was then informed of the orthopedic doctor's
27 recommendations and temporary remedies, while
28 I await an "MRI", that he had scheduled on my
behalf.

1 I was told by faculty doctors, that the orthopedic
2 specialist, wanted me to use "crutches", in order to
3 comply with his order, to be "Non weight bearing"
4 on my left swollen knee, and that I was to try
5 and keep my leg elevated, as much as possible
6 until the problem, causing me "extreme pain" could be
7 found, due to his "MRI" recommendation.

8 Faculty Doctors, asked me would I be willing
9 to use crutches, and I said yes, and then they
10 provided me with an ACE Bandage wrap, as they
11 also wrapped my left knee as well.

12 Plaintiff then concluded the doctor's visit and
13 was escorted to his cell, to await the delivery of
14 the crutches.

15 At around 8pm that same night, the nurse who
16 passes out medication, came by my door and as
17 she passed me my medication, she also passed
18 me a faculty "chrono", concerning my crutches and
19 leg wrap.

20 I read on the face of the chrono, that Plaintiff
21 was to be issued faculty equipment, in the form
22 of crutches, as well as a leg wrap. But further
23 on, down at the bottom of the chrono, I saw
24 that the chrono had been "denied" by custody
25 staff, SGT. Escandon, with a note stating
26 that my chrono and prescription for crutches
27 would be denied because I was seen walking
28 on camera, by SGT. Escandon.

1 AT THIS time Plaintiff Was indeed walking
2 However, any visual person, or camera, would see
3 Plaintiff Limping, in obvious Pain. It would be
4 clear to see that Plaintiff was barely able to
5 walk or put weight on his leg, due to his injury.
6 Plaintiff, was never un-able to walk at any
7 stage of time, & in order for Plaintiff to be able to
8 use crutches, it would take some form of being
9 able to walk in order to do so.

10 SGT Escandon, a custody and security staff
11 member, of high rank, violated my 14th amendment
12 By denying me my right to adequate medical care.
13 His Decision was a decision he made, put the
14 Plaintiff at Risk of Causing further harm, and
15 serious pain to be ENDURED by the Plaintiff
16 SGT Escandon. Did not take it upon his self
17 as being one of high rank, to go investigate
18 and find the reason a recommendation was made
19 in the first place, showing Blatant disregard
20 to Plaintiff safety, and by NOT taking such
21 measures the defendant caused Plaintiff's
22 Injuries AS He did NOT take any reasonable
23 steps, or available measures to abate the risk,
24 After Plaintiff discovered That SGT Escandon
25 denied me the relief of medical care and medical
26 equipment, Plaintiff filed an Institutional
27 Grievance, complaining That the SGT Decision
28 to deny, violated my 14th amendment Due Process

1 clause, by denying my right to receive adequate
2 medical care. After turning in my complaint,
3 I was informed by way of response, to my grievance
4 that it is institutional policy that the SGT
5 was led by, in his decision to deny me my medical
6 equipment, therefore Plaintiff further alleges
7 that the Kern Co. Sheriff's department as a whole,
8 based on institutional policy, and or custom
9 caused Plaintiff's injuries, by their policy being
10 the guide that allows high ranking custody staff
11 to be able to approve or disapprove prescriptions
12 prescribed by facility doctors and care givers.
13 This policy allowed the SGT. to fail to act in
14 my favor causing a deliberate indifference, to
15 the violation of my rights, as to the department
16 itself, following policy, in which a pattern of
17 prison and similar violations of inmates
18 and Plaintiff's federally protected rights.
19 I hereby state that the following above
20 information, is honest and true, to the
21 best of my ability. Dated 10-24-22

22
23
24 Signed Charles E. SR

25
26 Charles Ellis SR
27
28